

**BOARD OF PATENT APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Stuart A. Fraser et al.
Application No. : 10/829,119 Confirmation No. : 6481
Filed : April 20, 2004
For : SYSTEMS AND METHODS FOR TRADING
Group Art Unit : 3691
Examiner : Ann E. Loftus

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**PETITION UNDER 37 C.F.R. § 1.136(b) FOR EXTENSION OF TIME TO
FILE REPLY BRIEF AND REQUEST FOR ORAL HEARING**

Pursuant to 37 C.F.R. § 41.41(c) and § 1.136(b), Appellant petitions for a one-month extension of time to file a Reply Brief and Request for Oral Hearing. There are three sufficient causes.

First, one of the in-house patent attorneys for Appellant party-in-interest left the firm at the end of October. No replacement has been hired yet, and the attorneys are still working out ways to reallocate the work.

Second, Appellant party-in-interest was sued a week ago (Civil Action No. 10-CV-715, United States District Court Northern District of Illinois Eastern Division, “Complaint for Patent Infringement and Jury Demand”, filed February 3, 2010), and attorneys that would normally be available, and to whom work could normally be shifted, are otherwise engaged.

Third, Appellant believes that this case may be an example of applicant-examiner miscommunication, described by Director Kappos and Chief Judge Fleming at the BPAI Roundtable of January 20, 2010 and at a presentation by Director Kappos in Boston on January 27 as “ships passing in the night,” calling for an interview. In these two public presentations, Director Kappos and Chief Judge Fleming suggested that examiners are being encouraged to

conduct more interviews in order to reduce the number of appeals arising out of failures by applicant or the examiner to understand and address each other's concerns. Appellant has contacted Examiner Loftus and scheduled an interview for February 19, 2010. If this interview is not successful in reaching some agreement on either allowability or at least to identify the points of disagreement, then Appellant will file a Reply Brief. On the current state of the record, Appellant suggests that an extension of time to conduct this interview will likely save work for both the Board and Appellant.

Appellant requests that time to submit a Reply Brief and a Request for Oral Hearing be extended one month, to March 16, 2010.

The Commissioner for Patents is hereby authorized to charge Deposit Account No. 50-3938 in the amount of \$200.00 in connection with this petition for extension of time. The Commissioner for Patents is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.17 in connection with the present application, or credit any overpayment of same to Deposit Account No. 50-3938.

February 12, 2010

Respectfully submitted,

/Glen R. Farbanish/
Reg. No. 50,561
Attorney for Appellant